

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kimberly Walters	Team: Team # 7	CCRB Case #: 200203944	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/04/2002 6:00 PM	Location of Incident: the corner where Smith Street intersects with Pacific Street	Precinct: 84	18 Mo. SOL 11/4/2003	EO SOL 11/4/2003	
Date/Time CV Reported Thu, 06/13/2002 7:19 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Thu, 06/13/2002 7:19 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Edward Young	29580	929389	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Edward Young	Abuse: Police Officer Edward Young threatened to arrest § 87(2)(b)	
B.POM Edward Young	Abuse: Police Officer Edward Young threatened § 87(2)(b) with the use of force.	

Synopsis

§ 87(2)(b) stated that as he attempted to gain access to the Brooklyn Bridge on May 4, 2002, he encountered Officer Edward Young while driving along Pacific Street and Smith Street in Brooklyn. § 87(2)(b) stated that during their encounter, Officer Young accused § 87(2)(b) of having almost run him over with his car. Officer Young then allegedly threatened to arrest § 87(2)(b) § 87(2)(b) further alleged that when he informed Officer Young of his intentions to file a civilian complaint against him, Officer Young threatened him.

§ 87(2)(b)'s complaint was deemed to be eligible for the CCRB's Alternate Dispute Resolution Program. § 87(2)(b) was offered mediation as a means of resolving his complaint against Officer Young. § 87(2)(b) refused to utilize the Alternate Dispute Resolution Program as a means of addressing his complaint (**Encl. 13B**).

§ 87(2)(g)

[REDACTED]

Summary of Complaint

On May 6, 2002, § 87(2)(b) submitted the following complaint regarding Officer Young to 1 Police Plaza via mail (**Encl. 5**): § 87(2)(b) stated Officer Young confined him through no fault of his own. When § 87(2)(b) attempted to note Officer Young's name and number, Officer Young threatened him. § 87(2)(b) went on to state that when he was in the process of obtaining Officer Young's name and shield number, Officer Young, "almost hit him," causing him to run back to his cab.¹

§ 87(2)(b) requested that Officer Young be subjected to strict action regarding his "rude, disrespectful, aggressive, and discourteous behavior" towards an innocent person. § 87(2)(b) felt that if such action was not taken, Officer Young might someday shoot and/or kill an innocent person. Officials at 1 Police Plaza forwarded § 87(2)(b)'s complaint to Internal Affairs (**Encl. 6A-B**) on June 12, 2002. On June 13, 2002, Internal Affairs forwarded § 87(2)(b)'s complaint to the CCRB for further investigation (**Encl. 7**).

When interviewed by the CCRB on June 25, 2002 (**Encl. 8B-C**), § 87(2)(b) stated as he attempted to gain access to Manhattan from Brooklyn, he encountered traffic detours which resulted in him being forced to drive along Smith Street. § 87(2)(b) stated that as he approached the corner of Smith Street and Pacific Street, there was a diversion there as well. This diversion prompted § 87(2)(b) to turn left onto Pacific Street. § 87(2)(b) stated that as he made the turn onto Pacific Street, there were cars parked along the left side of the road. § 87(2)(b) could not recall if cars were parked along the right side of the road. Upon making the turn, § 87(2)(b) drove out

¹ § 87(2)(b) made no such allegation regarding Officer Young's "almost attempting to hit him" when he appeared before the CCRB.

of the intersection stopped his cab, and posed a question to an officer he would come to identify as Officer Edward Young. § 87(2)(b) stated that he turned his head to his right and asked Officer Young, who might have been standing in the street, which street he should take to gain access to the Brooklyn Bridge. § 87(2)(b) stated that rather than offer a response to his question, Officer Young spoke to him in a harsh manner and told him to, "Move!" § 87(2)(b) stated that he complied with Officer Young's instructions and moved his vehicle.

§ 87(2)(b) stated that because he felt that Officer Young addressed him in an unnecessarily harsh manner, he exited his vehicle and began to walk back towards where Officer Young was standing. § 87(2)(b) stated that his purpose for exiting his vehicle was to simply ask Officer Young why he refused to answer his question. As he began to walk back towards the corner of Pacific Street, Officer Young approached § 87(2)(b). When § 87(2)(b) informed Officer Young that he merely wished to be provided with the directions to Brooklyn Bridge, Officer Young accused § 87(2)(b) of trying to run him over. He also referred to § 87(2)(b) as a "reckless driver." § 87(2)(b) informed Officer Young that his intention was not to "run him over." § 87(2)(b) stated that based on the layout of the street, and what he observed as he was turning the corner onto Pacific Street, there was no way his car could have been in a position to strike Officer Young. § 87(2)(b) stated that Pacific Street is approximately twenty feet wide, and that even with the cars parked on the left when he turned, he could not have been close enough to Officer Young, to have either struck, or attempted to strike him. After § 87(2)(b) informed Officer Young that it was not his intention to run him over, Officer Young instructed § 87(2)(b) to move his vehicle beside a fire hydrant and wait for him.

When Officer Young approached § 87(2)(b)'s cab, he instructed him to present his driver's license, his registration and his documents from the TLC. Officer Young then threatened to arrest § 87(2)(b) for "reckless driving," and his attempt to "run him over." § 87(2)(b) stated that he could not understand why Officer Young responded to him in such a harsh and disrespectful manner, when all he did was ask a simple question. § 87(2)(b) stated that after Officer Young took possession of his documentation, he exited the cab, but Officer Young instructed him to remain inside the car. § 87(2)(b) stated after waiting a lengthy period of time for Officer Young to return with his documentation, he exited his cab to find out what was taking so long, when he observed Officer Young returning to his cab. When Officer Young returned to § 87(2)(b)'s cab, § 87(2)(b) asked Officer Young why he addressed him in the manner he did and why he wasted his time. § 87(2)(b) stated that Officer Young apologized to him, and walked away. § 87(2)(b) stated that he remained seated in his cab for approximately five minutes as he thought about what had just taken place. § 87(2)(b) stated that because he felt he was treated poorly, and that Officer Young would feel free to treat others in the same manner if nothing was done, he decided that he would file a complaint. § 87(2)(b) then exited his vehicle and approached Officer Young.

§ 87(2)(b) stated that when he approached Officer Young, he informed him that he intended to go file a complaint against him with the CCRB. § 87(2)(b) then proceeded to take down the information that was listed on Officer Young's nameplate and shield. As § 87(2)(b) wrote down Officer Young's information, Officer Young told him, "If you file a complaint against me, I've got your name and all of your information, and I will teach you a very bitter lesson, and you will feel the dire consequences." § 87(2)(b) stated that he took Officer Young's statement to be a threat of some form of retaliation against him, either in the form of additional stops, or potential harm to his person, in the form of appearing at his home and shooting him.

Officer Young never threatened § 87(2)(b) in the above-referenced fashion; § 87(2)(b) simply interpreted Officer Young's alleged threat in this manner.

Results of Investigation

Civilian Interview

No additional civilian interviews were conducted during the course of the investigation into § 87(2)(b)'s complaint.

Subject Officer Identification

§ 87(2)(b) listed Officer Edward Young as the subject officer when he filed his complaint regarding their encounter (**Encl. 5**). Officer Young's identification as the subject officer was confirmed when he acknowledged his encounter with § 87(2)(b).

Officer Interview

During his July 8, 2002 interview with the CCRB (**Encl. 11B-D**), Officer Edward Young stated that on May 4, 2002, he was assigned to a traffic detail, entitled Atlantic Antic Detail. Atlantic Antic was a tri-precinct operation, which utilized the services of officers from the 79th Precinct, the 81st Precinct (Officer Young's command), as well as officers assigned to the 84th Precinct. Officer Young was not assigned to work with an officer from his command while assigned to the traffic detail.

Officer Young stated that as he was standing at the intersection at Pacific Street and Smith Street in Brooklyn, he encountered a yellow cab that contained § 87(2)(b). § 87(2)(b) was in the process of turning the corner when Officer Young used hand gestures to instruct § 87(2)(b) to stop his vehicle. Officer Young stated that he instructed § 87(2)(b) to cease proceeding because his responsibilities on the date in question included ensuring that traffic did not proceed northbound onto Atlantic Avenue, which was hosting a street fair. Officer Young stated that he instructed § 87(2)(b) who was on Smith Street and attempting to turn onto Pacific Street to stop so that he could ensure that traffic, which was approaching from both Pacific Street and Smith Street, proceeded smoothly. Officer Young stated that although he made eye contact with § 87(2)(b), § 87(2)(b) continued to turn his vehicle onto Pacific Street. Officer Young stated that when § 87(2)(b) turned onto Pacific, he almost struck him with his yellow cab. Officer Young had to run out of the way to avoid being struck by § 87(2)(b)'s cab. Officer Young stated that after § 87(2)(b) almost struck him, he continued to drive his vehicle down the block. Officer Young had to wave his hands, and chase § 87(2)(b) more than halfway down the block, but § 87(2)(b) did not stop until the backlog of traffic prevented him from proceeding. At no point during the time that Officer Young first observed § 87(2)(b) through the time he turned the corner and proceeded down the street, did § 87(2)(b) request directions from Officer Young. § 87(2)(b) did not speak to Officer Young as he turned the corner onto Pacific Street and proceeded down the block.

Officer Young stated that when he approached § 87(2)(b) he informed him that he had almost run him over. He then instructed § 87(2)(b) to pull his car over to the sidewalk. Once § 87(2)(b) pulled over, Officer Young requested § 87(2)(b)'s driver's license, his registration and his hack license. § 87(2)(b)'s initial response was to question why Officer Young had pulled him over. He also informed Officer Young that he had no right to pull him over. Officer Young stated that he again informed § 87(2)(b) that he had almost run him over as he turned into the block. Officer Young denied that he threatened to arrest § 87(2)(b). Officer Young stated that when § 87(2)(b) turned over the requested information, he proceeded to walk back towards one of the buildings that was behind where he had instructed § 87(2)(b) to pull over. Officer Young stated that as he was attempting to access information on how to

convey what had just transpired over the police radio, § 87(2)(b) exited his cab and approached him.

Officer Young stated that he did not instruct § 87(2)(b) to exit his cab, § 87(2)(b) undertook this action of his own volition. Officer Young stated that when § 87(2)(b) approached him, he continued questioning the legitimacy of his stop. Officer Young stated he had to instruct § 87(2)(b) to return to his vehicle four times before he complied. During the time when Officer Young attempted to get § 87(2)(b) to return to his cab, § 87(2)(b) repeatedly challenged the validity of his reason for stopping him. Officer Young stated that based on his initial interaction with § 87(2)(b) and the fact that § 87(2)(b) exited his cab, continued to challenge him, and refused to return to his vehicle upon being instructed to do so, he began to fear for his safety. Officer Young stated that as he continued to instruct § 87(2)(b) to return to his vehicle, he placed his hand on his canister of mace. Officer Young stated that he placed his hand on his mace for two reasons, first, he was not certain what prompted § 87(2)(b) to exit his vehicle, and second, § 87(2)(b) failed to comply with the instructions being issued to him. Officer Young stated that he never brought the mace up toward § 87(2)(b) he merely readied himself to use it should the need have arisen. Officer Young stated that as he instructed § 87(2)(b) to return to his cab, § 87(2)(b) continued to advance toward him. Officer Young stated that he backed up, and repeated his instructions to § 87(2)(b). Officer Young stated that after his instructed § 87(2)(b) to return to his cab four times, § 87(2)(b) finally complied.

Once § 87(2)(b) returned to his cab, Officer Young walked back to the traffic detail, located and spoke with Officer Anthony Finch.² Officer Young stated that he requested Officer Finch's assistance in utilizing his police radio, but the assistance he was provided was not sufficient for him to figure out how to communicate what transpired over the proper frequency. Officer Young stated that he did not inform Officer Finch of the fact that § 87(2)(b) had almost run him over. He stated he was primarily concerned with making proper use of the radio, so that he could relay what had transpired and perform a DMV check on § 87(2)(b). Officer Young stated that he did not know why he did not inform Officer Finch of § 87(2)(b)'s actions, and request his assistance. Officer Young stated that he was not why he was unable to successfully utilize the departmental communications system. When Officer Young's efforts to utilize the communications system and perform a DMV check on § 87(2)(b) proved unsuccessful, he did not request the assistance of Officer Finch, who was no longer on the scene. Officer Young was unable to provide a reason why he failed to request the assistance of his fellow officers. Officer Young stated that when his efforts to check § 87(2)(b)'s information proved unsuccessful, he returned § 87(2)(b)'s information to him. Officer Young stated that after he returned § 87(2)(b)'s information to him, he began to walk away. As he walked away, he heard a door slam, and § 87(2)(b) was in the process of approaching him once again.

Officer Young stated that when § 87(2)(b) approached him for the second time, he requested his information. Officer Young provided this information to § 87(2)(b) who wrote his name and shield number down on the piece of paper he had in his possession as he exited his yellow cab. § 87(2)(b) then began to make statements along the lines of, "I know about the CCRB. I'm going to file a complaint against you." Officer Young stated that upon being informed that a complaint was going to be filed against him, he told § 87(2)(b) that if that was what he wanted to do, that was fine. Once § 87(2)(b) obtained Officer Young's information, he returned to his cab and

² § 87(2)(g)

left the scene. Officer Young stated that he never threatened § 87(2)(b) with possible intimidation or physical harm. Officer Young stated he never made a statement to § 87(2)(b) wherein he informed him that if he would suffer the dire consequences. Officer Young stated that he never informed § 87(2)(b) that he had all of his information as a means of conveying some unspecified future retaliation. Officer Young stated that he did not have any information relating to § 87(2)(b).

Officer Young stated that he never wrote down § 87(2)(b)'s name, address or vehicle information. Officer Young presented the CCRB with the front and back sections of two pages from his memo book (**Encl. 10A-D**). A review of Officer Young's memo book revealed that Officer Young had no pedigree information written regarding his encounter with § 87(2)(b). The only information noted in his memo book is the fact he was almost run over by the driver of a yellow cab, and his effort to access the driver's DMV information proved unsuccessful. The next entries in his memo book detail his release from duty, and his assignment for the following day. The back pages of his memo book, while containing writing, do not reference § 87(2)(b) or any information about him.

Officer Young was asked to explain his failure to inform § 87(2)(b) that his actions when he almost ran him over constituted an arrestable offense, his inability to properly utilize the police communications system and the DMV database, and his failure to issue § 87(2)(b) a summons. Officer Young provided the following statement in response to the questions: Officer Young stated July 2, 2002 marked his first year as a member of the New York City Police Department. Officer Young stated that until the end of March 2002, he was still in training at the Police Academy. At the time of his encounter with § 87(2)(b) he had been an active member of the police department for a little over a month. Officer Young stated that he was aware of the fact that § 87(2)(b) had at the very least violated the laws pertaining to moving violations when he almost ran him over, but he was not sure of the proper manner in which § 87(2)(b)'s offense should have been addressed. Officer Young also stated that prior to his assignment to the Atlantic Antic Detail, he had no experience with Traffic Enforcement, or the laws governing moving violations. Officer Young said that he attempted to determine the precise laws that § 87(2)(b) had violated in the informational book he carries behind his memo book, but he was not able to do so. Officer Young presented said book to the CCRB for review. The informational book provides officers with a list of offenses people commit, what the corresponding charge would be and how an officer should address the offense in question. Officer Young went on to state that because it was his first time working outside of his precinct, he was not certain of how to perform a radio check outside of the confines of his command. Officer Young stated that at the time, he was not aware that he could use his the frequency of the 81st Precinct to report what had taken place. He mistakenly believed that he had to find a way to access the frequency of the 84th Precinct, which was the precinct of occurrence. Officer Young stated that the training he received at the Police Academy as it pertained to car stops, dealt primarily with scenarios officers might encounter and the actions they are required to undertake if they, along with a partner effect a car stop. Officer Young stated that the knowledge conveyed to him did not include a review of the actions a single officer on foot with no immediate back-up is supposed to undertake when confronted by a civilian detained in connection with a car stop. As a result, Officer Young was uncertain as to how he should have proceeded in the situation that he faced. Officer Young stated that following the incident, he spoke with his command regarding what transpired between he and § 87(2)(b). Officer Young stated that he was informed that at the very least, he should have issued a ticket to § 87(2)(b) for his actions in reference to his reckless driving. Officer Young's failure to issue the summons was not a reflection of the fact that § 87(2)(b) did not commit an infraction, but rather a reflection of his inexperience as an officer.

Canvass Results

On June 28, 2002, the CCRB conducted a field trip to Pacific Street and Smith Street in Brooklyn (**Encl. 9A-D**). Pacific Street is a one-way street, which absent any vehicles being parked alongside of the street, is wide enough to support the passage of one vehicle at a time. The absence of parked vehicles would allot room on either side of the vehicle. When vehicles are parked alongside the street, as was the case during the date the canvass was conducted, vehicles turning onto Pacific Street have to be maneuvered so as not to strike the parked cars. The measurement of the width of Pacific Street revealed that Pacific Street measured approximately thirteen feet. If cars are parked on both sides of Pacific Street, there is approximately six feet of moving room between the cars (**Encl. 9B**). Photographs taken of vehicles turning onto Pacific Street from Smith Street (**Encl. 9C-D**) revealed that if Officer Young was standing in the street, as he claimed, it would have been extremely difficult for § 87(2)(b) to have turned onto Pacific Street without his vehicle coming into contact with Officer Young. The only way that § 87(2)(b) would have been able to prevent such contact would have been for him to specifically maneuver his vehicle to so as not to come in contact with Officer Young.

Department of Motor Vehicle Records

§ 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Conclusions and Recommendations

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Threat to Arrest

§ 87(2)(b) stated that when he exited his vehicle to question Officer Young about why he did not respond to his question about how he could gain access to the Brooklyn Bridge, Officer Young accused him of almost running over him (Officer Young) with his car. § 87(2)(b) denied that it was possible for him to have almost run Officer Young over. § 87(2)(b) stated that based on the fact that it was not possible that he almost struck Officer Young, Officer Young's actions were improper, and constituted an abuse of authority. While denying that he threatened to arrest § 87(2)(b) Officer Young stated that not only did § 87(2)(b) almost run him over, he stated that in order to avoid being struck by § 87(2)(b)'s vehicle, he had to run out of the way.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED] According to §1212 of the Vehicle and Traffic Laws of New

imprisonment... § 87(2)(g)

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] § 87(2)(b) himself acknowledged that vehicles were

turned his vehicle onto Pacific Street. § 87(2)(g)

§ 87(2)(b) stated that when he informed Officer Young of his intention to file a civilian complaint regarding what transpired during their encounter, Officer Young told him, "I have all your information." § 87(2)(b) stated that Officer Young then told him that he would, "Teach you a very bitter lesson, and you will feel the dire consequences." § 87(2)(b) stated that he interpreted Officer Young's remarks to constitute a threat to his physical person, or a threat of additional unwarranted vehicle stops. Officer Young stated that when § 87(2)(b) expressed his desire to file a civilian complaint, he informed him that if that was what he wished to do, that was fine. Officer Young went on to state that he never took down any pedigree information on § 87(2)(b) and that he did not issue a threat to him based on his possession of said information.

§ 87(2)(g)

§ 87(2)(g)

Both § 87(2)(b) and Officer Young agree that Officer Young was alone and on foot during their encounter. Both § 87(2)(b) and Officer Young agree that despite the fact that Officer Young was in the process of investigating § 87(2)(b) § 87(2)(b) chose to exit his vehicle and approach Officer Young. § 87(2)(g)

First, § 87(2)(b) exited his car to confront Officer Young because he felt Officer Young addressed him in an inappropriate manner when he instructed him to “Move,” and failed to respond to his question. § 87(2)(b) stated that he also exited his vehicle because he was made to wait a lengthy period of time as Officer Young checked his driving record. Once the matter regarding his stop had been resolved, § 87(2)(b) exited his vehicle once more to obtain Officer Young’s identity. Based on § 87(2)(b)’s own statement, each time he exited the vehicle, he was angry at, and sought to confront Officer Young. § 87(2)(g)

Officer Young further stated that not only did § 87(2)(b) confront and challenge him in an antagonistic manner, but that § 87(2)(b) was so openly hostile that he backed away from him on several occasions, and readied his mace because he was fearful that § 87(2)(b) had the potential to due him bodily harm.

§ 87(2)(g)

§ 87(2)(g)

Officer Young stated that when initially confronted by a hostile § 87(2)(b) that fact that he was alone and inexperienced caused him to back away from § 87(2)(b) and place his hands on his mace in fear. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(g) [REDACTED]

§ 87(2)(b) as he sought to obtain his name and shield number, a fact that § 87(2)(b) did not dispute. § 87(2)(g)

[REDACTED]

Date:

Reviewed by:

Date: